

Town of Westford

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Westford, MA 01886

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FYA

Office of the Planning Board

SPECIAL PERMIT APPROVAL: PB02025-SP (MCP)
TOWN OF WESTFORD ZONING BYLAW SECTION: 9.3
SECTION 9.3- MAJOR COMMERCIAL PROJECT (MCP)

Applicant: Westford West Realty Trust
c/o The Gutierrez Company
One Wall Street
Burlington, MA 01803

Landowner: Westford West Realty Trust
c/o The Gutierrez Company
One Wall Street
Burlington, MA 01803

Property Location: 37 Powers Road
Westford, MA 01886

Assessors Map and Parcel: Map 11, Parcels 75.1, 86.4 and 86.6

Application Submitted: October 9, 2002

Public Hearing: February 3, 2003
March 3, 2003
March 17, 2003
April 7, 2003
April 22, 2003
May 5, 2003
May 19, 2003
June 2, 2003
June 16, 2003
July 21, 2003
August 11, 2003
September 2, 2003
September 15, 2003
October 6, 2003
November 3, 2003
November 17, 2003
December 1, 2003
January 5, 2004
February 2, 2004
March 1, 2004

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TOWN CLERK
WESTFORD

DECISION

At its regular meeting on April 27, 2005, the Planning Board voted 4 – 1 (Peraner–Sweet opposed) to Grant a Special Permit under Section 9.3 of the Town of Westford Zoning Bylaws to Westford West Realty Trust for the construction of six (6) office buildings totaling 725,000 square feet, a wastewater treatment facility, 2,536 parking spaces and associated site improvements. The proposal is shown on plans entitled "The Gutierrez Company Westford Technology Park West Phase II – Issued for Permits" prepared by Symmes, Maini and McKee Associates, dated September 23, 2002 revised through March 28, 2005 and with a final submittal date of April 26, 2005.

Special Permit Conditions:

After consideration of all of the evidence presented during the public hearing, the Planning Board determines that the criteria for the grant of a Special Permit have been satisfied subject to the following conditions:

1. *With respect to Social, economic, or community needs which are served by the proposal:* The Applicant has volunteered to provide the Town with a 99 year ground lease for the use of the 3.466 acre parcel shown as Lot 2 and known on the Assessors map as Map 11, Parcel 86.4. The following special conditions, in addition to those proposed by the applicant as part of the Special Permit submission which are incorporated herein by reference, shall be required:
 - a) Prior to the issuance of a building permit for Building 3, the Applicant shall execute a ground lease, for nominal rent, to the Town for the use of the 3.466-acre recreational parcel that the Applicant has volunteered to the Town and is shown as Lot 2 and known on the Assessors map as Map 11, Parcel 86.4. All costs related to the execution of the ground lease, including review by Town Counsel, shall be borne by the Applicant;
 - b) Prior to the issuance of a certificate of occupancy for Building 3, the Applicant, in consultation and with the approval of Town of Westford Parks and Recreation Commission, shall design, permit and construct a softball field and a storage shed on said Lot 2. The Applicant shall install an irrigation system on the softball field and provide field maintenance. Further, the Applicant shall cause to be prepared an Integrated Pest Management (IPM) Plan for the maintenance of the softball field. The said IPM plan shall be approved by the Town of Westford IPM Committee;
 - c) Prior to the issuance of a certificate of occupancy for Building 3, the Applicant shall submit to the Planning Department for review and approval an easement detailing the use of the access way to the recreation component on Lot 2. Said easement shall authorize users of the recreational parcel to park their vehicles in the parking area adjacent to Lot 2 during scheduled events being held at the field; and
 - d) The Applicant shall install directional signs to the Planning Departments satisfaction identifying the location of the recreational parcel.

- c) The Applicant covenants with the Town to provide all the design drawings and plans relating to the abovementioned intersection improvements for review by the Town, through its traffic consultant, at the time of submission for review by MHD. The costs associated with such reviews will be borne by the Applicant.
- d) The Applicant shall complete all improvements proposed at the Concord/ Powers Road intersection approved as part of the Westford Tech Park West Phase I prior to submitting a building permit application for the development of Phase II or by the end of June 2006, whichever occurs earlier;
- e) The Applicant shall cause a design plan to be prepared, permitted and constructed for the Concord Road West/ Littleton Road intersection prior to the issuance of a certificate of occupancy for the first building in Phase II. Said plan will constitute a four-way intersection, incorporating a driveway into the property known on the Assessors Map as Map 11 Parcel 90;
- f) The Applicant shall install a red signal ahead flashing sign for vehicles traveling westbound to increase awareness of the Powers/ Concord Road intersection as part of the implementation of condition 2 (d).above. Placement and detail of the signs shall be incorporated into the Concord/ Powers Road improvement plan;
- g) Prior to requesting a certificate of occupancy for the first building in Phase IV, the Applicant shall construct and complete, in all material respects, the Powers Road access which, for all intents and purposes, will serve solely as the secondary emergency access to the site, except the access shall be opened to full public use following the occupancy of the final building in Phase IV;
- h) The Applicant shall participate in a land banking scheme to achieve a 3.3/ 1,000 parking space ratio to reduce impervious surface as detailed in the FEIR, dated April 30, 2004;
- i) The Applicant shall incorporate elements of the Route 110 Master Plan into the section of roadway stretching from Route 110/Concord West to Route 110/ Powers Road. The Applicant shall specifically incorporate design details as shown on Node C and Node D in addition to Sheets 5, 6, 7 and 8 of the Route 110 Master Plan. These design elements shall be incorporated into the design submission plans at the 25%, 75% and 100% levels in accordance with Mass Highway design submission procedures. The Applicant will submit copies of said Plans to the Board. If any easements are needed for the completion of said improvements the Applicant shall be responsible for acquiring and funding the easements.
- j) Prior to the issuance of an occupancy permit for each building, the Applicant shall hire a registered engineer to confirm, in a report to the Board, that the project, as constructed, complies with all relevant ADA requirements for parking;
- k) Prior to the issuance of the building permit for the first building in Phase 11, the Applicant shall fund the formation and establishment of a Transportation Management Association (TMA) dedicated to reducing traffic congestion, improving mobility and air quality, and educating employers and employees about transportation alternatives. Membership in the TMA shall be open to all local companies or agencies, both public and private. Membership should include private sector businesses, management companies, developers and transportation professionals, as well as public agencies and local government. The TMA shall be an advocate for innovative transportation solutions; providing technical

Road intersection for the purpose of additional screening of the existing and proposed office buildings from residential properties. This will be in addition to any plantings proposed as part of the Concord / Powers Rd. improvements.

- c) The Applicant shall limit access to and from the site by directing construction related traffic to the 310 Littleton Road entrance.
- d) The Applicant shall seek a variance from the Zoning Board of Appeals to allow the installation of the alternate external lighting plan shown on Plans entitled Gutierrez Westford Tech Park Parking Lot Lighting Calculation 30' Poles 0.2 fc Min" dated April 6, 2004.
- e) The Applicant shall require individual tenants to shut off internal lighting during non-work hours. The Applicant shall submit details of implementing this condition as part of all the Site Plan Approval submissions for the individual buildings.
- f) The Applicant shall wire the parking lot lighting in such a manner that the lighting furthest away from a building shall be on a separate loop that can be operated independently to enable the shutting down of lighting in parking lots that are not being used during off peak hours and thereby reduce lighting intrusion and the impact on the surrounding community.
- g) To reduce the visual impact of the project for Powers Road residents and persons traveling Northbound on Powers Road, the Applicant shall provide a plan to the Board showing landscaping located on top of the proposed berm to provide additional screening prior to the application for a building permit for the first building in Phase II.

5. With respect to *Impact on the natural environment*-- The following special conditions, in addition to those improvements proposed by the Applicant as part of the Special Permit submission which are incorporated herein by reference, shall be required:

- a) In an effort to reduce the amount of impervious surface in the Water Resource Protection District II (WRPDII) the applicant has volunteered to participate in a land banking exercise. The Applicant will construct each building to a ratio of 3.3/ 1000 square foot of office space instead of the permitted 3.5/ 1000 SF. This will result in the reduction of 119 spaces across the site. The spaces shall be "banked" on a per building basis. The Applicant shall submit, in writing, to the Planning Board, prior to occupancy of each building, the parking ratio realized and the number of spaces that have been added to the land bank. Prior to the issuance of the final building permit, the Applicant shall produce a tally of the number of spaces that will not have to be constructed per each building and shall show on a plan the location of the spaces that will not be constructed. The spaces that are to be "banked" shall be located within the WRPDII. If, in the future, due to tenant needs, the additional spaces are required, the Applicant shall submit to the Planning Board, in writing, a request to construct the remaining parking spaces.
- b) As part of the Site Plan Approval submission for each individual building, the Applicant shall provide to the Board a report detailing that the Applicant has actively promoted the inclusion of a parking structure to all future tenants of the site to further reduce the amount of impervious surface.
- c) The Applicant shall complete all necessary filings and permits with the Water Department.

construction on the site will be determined by a majority of the Planning Board. If substantial use or construction has not commenced within two years, the Applicant shall petition the Planning Board for an extension of time;

14) The following information shall be deemed part of the decision:

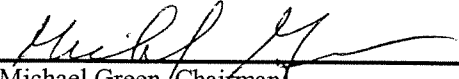
- a) Plan Waste Water Treatment Facility
Prepared by Symmes, Maini & McKee Associates
Dated November 4, 2002
- b) Plan The Gutierrez Company Westford Technology Park West Phase II – Issued for Permits
Prepared by Symmes, Maini and McKee Associates,
Dated September 23, 2002 revised through March 28, 2005
- c) Decision Special Permit Approval for a Wastewater Treatment Facility
Issued By Town of Westford Planning Board
Approved April 27, 2005
- d) Decision Special Permit Approval of a wastewater treatment plant with a design capacity of 10,000 gallons/ day or more
Issued By Town of Westford Planning Board
Approved April 27, 2005
- e) Decision Special Permit Approval for Rendering more than 15% of a site impervious in a Water Resource Protection District II
Issued By Town of Westford Planning Board
Approved April 27, 2005
- f) Decision Special Permit Approval for the storage of Hazardous Materials
Issued By Town of Westford Planning Board
Approved April 27, 2005
- g) Decision Site Plan Approval A
Issued By Town of Westford Planning Board
Approved April 27, 2005
- h) Decision Site Plan Approval B
Issued By Town of Westford Planning Board
Approved April 27, 2005
- i) Decision Order of Conditions
Issued By Town of Westford Conservation Commission
Dated February 16, 2005
- j) Permit Groundwater Discharge Permit
Issued By Department of Environmental Protection
Dated April 8, 2005

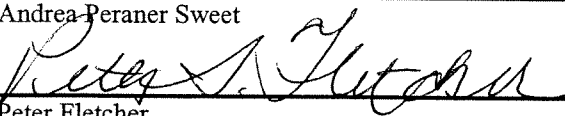
Site Specific Conditions:

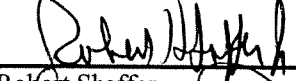
- 15) The Applicant acknowledges that this approval is subject to completion of all necessary filings and permits with the Water Department.

Members present and voting in the affirmative

Special Permit Approval – PB02025-SP (Major Commercial
Project)
Westford West Realty Trust
37 Powers Road, Westford MA

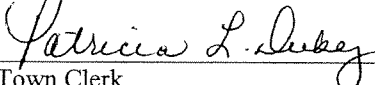

Michael Green, Chairman

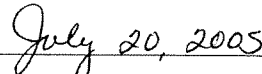
Andrea Peraner Sweet

Peter Fletcher


Robert Shaffer


Frederick Palmer

Filed with the Town Clerk:


Asst Town Clerk


Date

Decision effective August 10, 2005 unless appealed.

The undersigned, being the Town Clerk of the Town of Westford, Massachusetts does hereby certify that twenty days have elapsed since the above referenced decision of the Planning Board was filed in the office of the Town Clerk and no appeal has been filed with the Town Clerk.

Town Clerk

Date

cc; Westford West Realty Trust, Doug Fainelli c/o The Gutierrez Company; Hall Finnegan Ahern and Deschenes, Doug Deschenes; Symmes Maini and McKee, Mike Holland; Board of Selectmen; Board of Appeals; Board of Assessors; Board of Health; Building Inspector; Conservation Commission; Engineering Department; Police Chief; Fire Chief; Highway Superintendent; Tax Collector; Water Department; Planning Boards of Acton, Carlisle, Chelmsford, Groton, Littleton, Tyngsborough; Abutters within 300 feet; Town Counsel.